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| APPLICATION NO.       | FILING DATE       | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|-----------------------|-------------------|----------------------|-------------------------|------------------|
| 09/980,066 02/27/2002 |                   | Johan Drott          | GAMBRO-258              | 5318             |
| 530                   | 7590 04/07/2003   |                      |                         |                  |
|                       | AVID, LITTENBERG, | EXAMINER             |                         |                  |
|                       | VENUE WEST        | GHAFOORIAN, ROZ      |                         |                  |
| WESTFIELD,            | NJ 07090          |                      | ART UNIT                | PAPER NUMBER     |
|                       |                   |                      | 3763                    | D                |
|                       |                   |                      | DATE MAILED: 04/07/2003 | Š                |

Please find below and/or attached an Office communication concerning this application or proceeding.

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| Office Action Summary    Cambridge   Continue   Continu |   |  | Application No.     |                    | Applicant(s)       |              |  |  |
|--|---|--|---------------------|--------------------|--------------------|--------------|--|--|
| Roz Ghafoorian   3763  |   |  | 09/980,066          |                    | DROTT, JOHAN       |              |  |  |
| Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edencient of time may be available under the provisions of 3 CFR 1.13(a), in so event, however, may a reply be firmly filled ulter 13x (b) MONTH for the mailing date of the scenarioaction.  I the MAILING DATE OF THIS COMMUNICATION.  THE MAILING DATE OF THIS COMMUNICATION.  I the   | 9   | Office Action Summary  | Examin r            |                    | Art Unit           |              |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  **AF SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  **Interest 5X (6) MONTHS from the mailing date of this communication.  **If the period for reply specified above, the mailing date of this communication.  **If the period for reply specified above, the mailing date of this communication.  **If No period for reply specified above, the mailing date of this communication.  **If No period for reply specified above, the mailing date of this communication.  **If No period for reply specified above, the mailing date of this communication, even if timely field, may reduce any counted plant form adjustment. See 37 CFR 1.704(b).  **Status**  **If No period for mailing date of this communication, even if timely field, may reduce any counted plant form adjustment. See 37 CFR 1.704(b).  **Status**  **If No period for mailing date of this communication, even if timely field, may reduce any counted plant form adjustment. See 37 CFR 1.704(b).  **Status**  **If No period for mailing date of this communication, even if timely field, may reduce any counted plant form adjustment. See 37 CFR 1.704(b).  **This action is FINAL.  **If No period for mailing date of this communication, even if timely field, may reduce any counted for mailing date of this communication, even if timely field, may reduce any counted for mailing date of this communication, even if timely field, may reduce any counted for this communication.  **If No period for this period for field on 6-15-2002.  **If No period for field for fie  |   |  |                     |                    |                    |              |  |  |
| THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 3 CFR 1.13(s). In or event, however, may a reply be timely filed after 5X (g) MONTHS from the mailing date of this communication.  If No provide or reply is specified under the provision of the communication.  If No provide or reply is specified above, the maximum of a statutory princing pay and will gene (g) MONTHS from the mailing date of this communication.  If No provide or reply is specified above, the maximum of a statutory princing pay and will gene (g) MONTHS from the mailing date of this communication.  Fallure to reply within the set of extended periods for reply will, by statuto, cause the application to become (ARADIONED) (S) U.S. C, § 133). Any reply received by the Citic learn thin these maining date of this communication, even if timely filed, may reduce any sample patent term adjustment. See 17 CFR 1.79(s).  Status  1) Responsive to communication(s) filed on 6-15-2002.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 14-26 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) 14-26 is/are allowed.  6) Claim(s) 14-26 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) 14-26 is/are rejected.  7) Claim(s) is/are objected to by the Examiner.  Application Papers  9) The grawing(s) filed on 27 February 2002 is/are: a) accepted or b) objected to by the Examiner.  Application Papers  10) The drawing(s) filed on 27 February 2002 is/are: a) accepted or b) objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  11) The proposed drawing correction filed on is objected to the drawing(s) be held in abeyance. See 37 CFR 1.85(s).  11) Acknowledgment is made of a claim  |   |  | ears on the cover s | sheet with the c   | orrespond nce ac   | ldress       |  |  |
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| 7  | ·   |  |                     |                    |                    |              |  |  |
| 8  | <i>,</i> —  |  |                     |                    |                    |              |  |  |
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| 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  ⊤ The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1  Interview Summary (PTO-413) Paper No(s)  2  Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 12)   | The oath or declaration is objected to by the Ex                                   | caminer.            | ,                  |                    |              |  |  |
| a)   | Priority (  | ınder 35 U.S.C. §§ 119 and 120   |                     |                    |                    |              |  |  |
| 1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  1 Interview Summary (PTO-413) Paper No(s)  | 13)⊠  | Acknowledgment is made of a claim for foreign                                      | n priority under 35 | U.S.C. § 119(a     | ı)-(d) or (f).     |              |  |  |
| 2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  1 Interview Summary (PTO-413) Paper No(s)   | a) <sup>1</sup>   | ☑ All b)☐ Some * c)☐ None of:  |                     |                    |                    |              |  |  |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  1 Interview Summary (PTO-413) Paper No(s).  5 Notice of Informal Patent Application (PTO-152)   |   | 1. Certified copies of the priority document                                       | s have been recei   | ved.               |                    |              |  |  |
| application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  1 Notice of Informal Patent Application (PTO-152)   |   | 2. Certified copies of the priority documents have been received in Application No |                     |                    |                    |              |  |  |
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| 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)   | a) ☐ The translation of the foreign language provisional application has been received.  15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.   |  |                     |                    |                    |              |  |  |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)  |   |  |                     |                    |                    |              |  |  |
|  | 2) Notic  | ce of Draftsperson's Patent Drawing Review (PTO-948)                               | 5)                  | Notice of Informal |                    |              |  |  |

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#### **DETAILED ACTION**

## Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in claim 1 the applicant recites "a lateral access opening" in lines 3, however in the specification the applicant only refers to a lateral access and hence its unclear which opening the applicant is referring to.

#### **Drawings**

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lateral access opening must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### Claim Objections

3. Claim 27 objected to because of the following informalities: Claim 27 depends on claim 1 which has been cancelled in the preliminary amendment filed in papers No.
6. Appropriate correction is required.

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# Claim R jections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 14-27 are rejected under 35 U.S.C. 102(b) as being anticipate by International Patent WO 95/25953 to Boselli et al.

Boselli teaches a tube 1 for retaining fluid, the tube includes an outer wall a lateral access 8, a dome portion 6 and 7, including a sealing surface on the outside wall of the tube surrounding the lateral access opening, and a sensor 12 sealingly disposed on the sealing surface surrounding the lateral access in the tube. (figure 1)

#### Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roz Ghafoorian whose telephone number is 703-305-2336. The examiner can normally be reached on 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 703-308-3552. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

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RG April 3, 2003

MICHAEL J. HAYES PRIMARY EXAMINER